

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

FEDERAL TRADE COMMISSION

Plaintiff,

v.

PEABODY ENERGY CORPORATION

and

ARCH COAL, INC.,

Defendants.

Case No. 4:20-cv-00317-SEP

**DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE THIRD PARTY
DECLARATIONS OF WITNESSES THAT TESTIFIED LIVE**

Defendants Peabody Energy Corporation (“Peabody”) and Arch Resources, Inc., f/k/a Arch Coal, Inc. (“Arch”), respectfully submit this Motion *In Limine* to exclude from the evidentiary record in this proceeding the declarations offered by Plaintiff Federal Trade Commission (“FTC”) of individuals who testified live at depositions. For the reasons set forth in the accompanying memorandum, Defendants request that the Court grant their motion to exclude the third party declarations of witnesses that testified live.

Dated: July 1, 2020

Respectfully submitted,

William C. Lavery

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2020, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, to be served via operation of the Court's electronic filing system upon all counsel of record.

/s/ William C. Lavery